

1 **EDWARD E. COREY (SB #124900)**

2 **COREY & COREY**

3 3580 Wilshire Boulevard
17th Floor
Los Angeles, CA 90010
(213) 385-7003
(213) 385-6908 Fax

6 Counsel for SHAGHAI WIN-WING IMP. &
7 EXP. CO, LTD., Plaintiff.

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10
11 SHAGHAI WIN-WING IMP. &) No. 08-CV-02031-SC
12 EXP. CO, LTD.,)
13 Plaintiff,)
14 vs.)
15 TETSUYA WATANABE, OAKHILLS)
16 HARDWOOD FLOORS, INC., K&T)
ASSOCIATES, INC.)
17 Defendants.)
18 _____

**PLAINTIFF'S EX PARTE
APPLICATION TO CONTINUE THE
ORDER OF APRIL 18, 2008,
SETTING INITIAL CASE
MANAGEMENT CONFERENCE AND
ADR DEADLINES; DECLARATION
OF EDWARD COREY IN SUPPORT
THEREOF**

19 Now comes Plaintiff Shanghai Win-Wing Imp. & Exp. Co., by and
20 through counsel, and moves this Court for an Order continuing the
21 Order of April 18, 2008, Setting Initial Case Management Conference
22 and ADR Deadline.

23 Specifically, the Court set July 7, 2008 as the last day to
24 meet and confer regarding initial disclosures, early settlement,
25 ADR process selection, and discovery plan and to file Joint ADR
26 Certification with Stipulation to ADR Process or Notice of Need for
27 ADR Phone Conference. Declaration of Edward E. Corey, ¶1.

28 On June 14, 2008, Plaintiff served the Summons, Complaint, and

1 a copy of the Court's Order of April 18, 2008 upon Defendants.
2 See *Docket Entry No. 7*. Declaration of Edward E. Corey, ¶3. As
3 such, Defendants' deadline to answer or otherwise respond to the
4 Complaint is July 7, 2008, the same date as the deadlines
5 referenced above. Declaration of Edward E. Corey, ¶4. In the event
6 that Defendants fail to timely respond, default applications will
7 be promptly submitted. Declaration of Edward E. Corey, ¶5.

8 The Defendants were also served with the Order Setting Initial
9 Case Management and ADR Deadlines and Defendants have not responded
10 to Plaintiff's efforts to communicate with them about the
11 litigation in general. Declaration of Edward E. Corey, ¶6. Further,
12 It is anticipated that Defendants will not answer or otherwise
13 respond to the Complaint, and that on or after July 8, 2008,
14 Plaintiff will file an Application with the Clerk for an Entry of
15 Default. Declaration of Edward E. Corey, ¶7.

16 As such, Plaintiff moves the Court for an extension of thirty
17 (30) day after Defendants answer or otherwise respond to the
18 Complaint, in which to comply with the deadlines set forth in the
19 Order of April 18, 2008, as those deadlines will most likely be
20 rendered moot by default proceedings.

21
22 Dated: July 7, 2008

COREY & COREY

23
24 By: Edward E. Corey
25 Attorneys for Plaintiff
26 Shanghai Win-Wing Imp. & Exp.
27 Co., Ltd.
28

DECLARATION OF EDWARD E. COREY

I, Edward E. Corey, am counsel of record in this matter for Shanghai Win-Wing Import & Export Company, Limited and make this declaration in support of the Ex Parte Application to continue the case management dates.

6 1. In this matte, the Court set July 7, 2008 as the last
7 day to meet and confer regarding initial disclosures, early
8 settlement, ADR process selection, and discovery plan and to file
9 Joint ADR Certification with Stipulation to ADR Process or Notice
10 of Need for ADR Phone Conference.

11 2. Immediately upon the filing of the summons and
12 complaint, efforts began to serve the Defendants at various
13 addresses.

14 3. After several attempts, Plaintiff served the Summons,
15 Complaint, and a copy of the Court's Order of April 18, 2008
16 upon Defendants on June 14, 2008. See *Docket Entry No. 7.*

17 4. As such, Defendants' deadline to answer or otherwise
18 respond to the Complaint is July 7, 2008, the same date as the
19 deadlines referenced above.

20 5. In the event that Defendants fail to timely respond,
21 default applications will be submitted.

22 6. Defendants have only been recently served and there
23 have been no communications regarding any aspect of this
24 litigation. Prior efforts to communicate with the Defendants
25 were unsuccessful. The Order Setting Initial Case Management and
26 ADR Deadlines was also served on the Defendants and Defendants
27 have not contacted counsel regarding the deadlines.

28 7. It is anticipated that Defendants will not answer or

1 otherwise respond to the Complaint, and that on or after July 8,
2 Plaintiff will file an Application with the Clerk for an
3 Entry of Default.

4 I declare under the penalty of perjury under the laws
5 of the United States of America that the foregoing is true and
6 correct.

7 Executed this 7th day of July, 2008 at Los Angeles,
8 California.

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10 Edward E. Corey, Declarant.
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8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

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11 SHAGHAI WIN-WING IMP. &) No. 08-CV-02031-SC
12 EXP. CO, LTD.,)
13 Plaintiff,) **ORDER ON PLAINTIFF'S EX
14 vs.) PARTE APPLICATION TO
15 TETSUYA WATANABE, OAKHILLS) CONTINUE THE ORDER OF APRIL
16 HARDWOOD FLOORS, INC., K&T) 18, 2008, SETTING INITIAL
ASSOCIATES, INC.) CASE MANAGEMENT CONFERENCE
17 Defendants.) AND ADR DEADLINES**

18

19 Upon review of Plaintiff's Motion for Continuing the Order of
20 April 18, 2008, Settling Initial Case Management Conference and ADR
21 Deadlines, and for good cause shown, said deadlines are continued
22 pending further Order of the Court.

23

24 It is so ordered.

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26 _____
27 Judge Hon. Samuel Conti
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